

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

EASTERN DIVISION

No. 05-10849RGS

HELEN RUNGE,

Plaintiff

v.

WALTER J. KELLY,  
KERRY L. BLOOMINGDALE, M.D., and  
SUNBRIDGE NURSING AND  
REHABILITATION CENTER,

Defendants

**DEFENDANT WALTER J. KELLY'S PARTIAL MOTION TO DISMISS**

NOW COMES the Defendant, Walter J. Kelly, ("Kelly"), pursuant to Fed. R. Civ. P. 12(b)(6), and moves this Court to Dismiss Count I (42 U.S.C. §1983) and Count II (42 U.S.C. §1985) of Plaintiff's Complaint as they relate to Defendant Kelly for failure to state a claim for which relief can be granted. As grounds in support of this motion, Defendant submits the accompanying Memorandum of Law.

WHEREFORE, the Defendant, Walter J. Kelly, requests that this Honorable Court grant his motion to dismiss Counts I and II of the Plaintiff's Complaint as they relate to Defendant Kelly.

Respectfully submitted,

The Defendant,  
Walter J. Kelly,  
By his attorneys,

s/ Michele Carlucci

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Dated: July 18, 2005